

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6801

BILL NUMBER: SB 199

NOTE PREPARED: Jan 29, 2008

BILL AMENDED: Jan 24, 2008

SUBJECT: Environmental Crimes.

FIRST AUTHOR: Sen. Gard

FIRST SPONSOR: Rep. Dvorak

BILL STATUS: As Passed Senate

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) *Environmental Crimes*. This bill repeals environmental crimes statutes, and substitutes a statute that (1) designates environmental violations as crimes; (2) establishes more severe penalties if the violation results in substantial harm to the environment or loss of human life; (3) establishes factors to be considered in sentencing; (4) establishes maximum and minimum fines; and (5) provides that the crimes are not subject to imprisonment.

Environmental Crimes Task Force. The Environmental Crimes Task Force is extended for one year.

Effective Date: Upon passage; July 1, 2008.

Explanation of State Expenditures: (Revised) *Environmental Crimes*. The overall impact is not expected to be significant because the majority of environmental violations are handled through civil enforcement means. Criminal prosecutions are rare.

Environmental Crimes Task Force. Extending the task force for one year will result in an additional expenditure of no more than \$16,500, depending upon how often the task force meets. In 2007, the task force met one time and expended less than \$1,000. Expenses of the task force are paid from appropriations made to the Legislative Council or to the Legislative Services Agency (LSA). LSA is to provide the staff for the task force.

Explanation of State Revenues: (Revised) *Environmental Crimes*. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase.

The court may order a person convicted of certain Class D felonies to pay a fine of at least \$5,000 and not more than \$50,000 for each day of violation. If the person has a prior unrelated conviction for an offense that may be punished as a felony, a fine of at least \$5,000 but not more than \$100,000 for each day of violation. The person is not subject to imprisonment for the crime.

Certain Class C misdemeanors may be punished by a fine of at least \$5,000 per day for each violation and not more than \$25,000 per day for each violation. The person is not subject to imprisonment for the crime.

Some violations may be punished by a fine of at least \$5,000 but not more than \$10,000 per day for each instance of a violation. In either case, the person is not be subject to imprisonment.

A person who is convicted of a Class B misdemeanor may be punished by a fine of at least \$5,000 per day for each violation and not more than \$25,000 per day for each violation. The person is not subject to imprisonment for the crime.

However, any additional revenue would likely be small. Criminal fines are deposited in the Common School Fund. Additional revenues that would be generated by the fines would be based on violations.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Environmental Crimes.* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: LSA, Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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